



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 17/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.7627 of 2019

1. V.Kannan
2. K.Suseela
3. K.Subashini
4. S.Solamalai
5. Kaliasammal

... Petitioners/A-1 TO A3,A4,A5

Vs

State Rep.by
The Inspector of Police,,
S.S.Kottai Police Station,
Sivagangai District.
(Crime No.42 of 2019.

... Respondent/Complainant

For Petitioners : M/s.R.Sivalingam, Advocate.
For Respondent : Mrs.M.Anantha Devi ,
Govt.Advocate (Crl.Side).

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

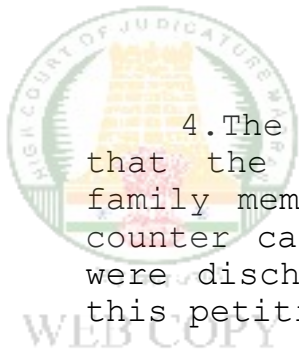
For Anticipatory Bail in crime No.42 of 2019 on the file of the respondent police

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 294 (b), 323, 354 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that due to land dispute between the parties, a false case has been foisted against the petitioners. He further submitted that a counter case also has been registered and that the injured persons sustained only simple injuries and they were already discharged from the hospital. Hence, he prayed for granting anticipatory bail to the petitioners.



4.The learned Government Advocate (Crl. side) has submitted that the petitioners attacked the de-facto complainant and her family members and caused injuries. She further submitted that a counter case also has been registered and that the injured persons were discharged from the hospital. However, she strongly opposed this petition as investigation is still pending.

5.Taking into consideration of the fact that the case in counter case and also considering the fact that the injured persons were discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif-cum-Judicial Magistrate, Thiruppathur and the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b]the petitioners shall report before the respondent police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d]the petitioners shall not abscond either during investigation or trial.

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

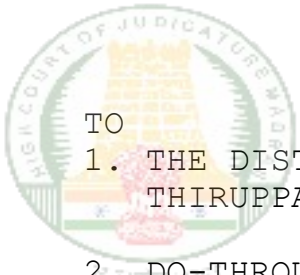
[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

17/06/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPATHUR.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,,
S.S.KOTTAI POLICE STATION, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.SIVALINGAM Advocate SR.No.9814

ORDER

IN

CRL OP(MD) No.7627 of 2019

Date :17/06/2019

MS/PN/SAR-3/25.06.2019/3P.6C